

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

MATTHEW L. BEVERLY,

Plaintiff,

VS.

KIMBERLY MELTON,

Defendant.

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

5:11-CV-0256-JHH-PWG

MEMORANDUM OF OPINION

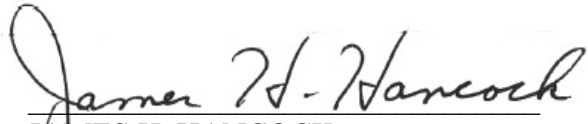
The magistrate judge filed a report and recommendation on February 3, 2012, recommending that the defendant's motion for summary judgment be granted and this cause be dismissed with prejudice. The plaintiff filed objections on February 9, 2012.

The plaintiff continues to make the same allegations in his objections to the report and recommendation as he made in his complaint with the new claim for compensation from the probate court's bond. The plaintiff asks this court to add a state tort claim of negligence to this case. The court declines to exercise supplemental jurisdiction pursuant to 28 U.S.C. § 1367(c)(3) over any new claim the plaintiff is attempting to make.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, and the objections filed by the plaintiff, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. The Court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendant is entitled to judgment as a matter of law. Accordingly, defendant's motion for summary judgment is due to be GRANTED and this action is due to be DISMISSED WITH

PREJUDICE. A Final Judgment will be entered.

DONE this the 14th day of February, 2012.

A handwritten signature in black ink, reading "James H. Hancock". The signature is written in a cursive style with a large initial "J" and "H".

JAMES H. HANCOCK
SENIOR UNITED STATES DISTRICT JUDGE